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Note verbale dated 24 December 2010 from the Permanent Mission of Cuba to the United Nations addressed to the Secretary-General

The Permanent Mission of Cuba to the United Nations presents its compliments to the Secretary-General of the United Nations and has the honour to transmit herewith (in its English, French and Spanish versions) the final declaration of the Cuban Civil Society Forum, held on 10 December (see annex), on the occasion of International Human Rights Day, dedicated to the situation of the five Cuban counter-terrorism fighters who have been deprived of their liberty for 12 years in United States prisons.

The Permanent Mission of Cuba requests the Secretary-General to circulate this Declaration as a document of the General Assembly under agenda item 68: Promotion and protection of human rights.

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Annex to note verbale dated 24 December 2010 from the Permanent Mission of Cuba to the United Nations addressed to the Secretary-General

Final declaration of the Cuban Civil Society Forum for the Liberation of the Cuban Five

One hundred and fifteen delegates from 74 Cuban civil society organizations and 5 regional and international organizations headquartered in Cuba, who met in Havana, Cuba, on 10 December 2010, International Human Rights Day, participating in the Cuban Civil Society Forum for the Liberation of the Cuban Five, agreed upon the following declaration:

1. Members of the panel have provided the Forum with a detailed update on the situation of the five Cuban counter-terrorism fighters, who have been incarcerated for 12 years in United States prisons, namely: Gerardo Hernández, Antonio Guerrero, René González, Ramón Labañino and Fernando González, objectively revealing the legal violations committed during the criminal proceedings undertaken against them by the authorities and courts acting in the case.

2. We condemn the human rights violations that have been committed against the aforementioned prisoners, from the moment of their detention, throughout the judicial process and during their time in prison serving the unjust and evidently illegal sentences imposed upon them.

3. The case of the Cuban Five is absolutely political. It has been the longest trial in the United States, kept quiet by the conspiratorial mass media, despite evident law-breaking and the injustice of the judicial process taken against them. While the Five are serving unjust prison sentences, international terrorists like Orlando Bosch Avila and Luis Posada Carriles freely walk the streets of Miami and have been honoured at a university in that city.

4. It is necessary to speak the truth about the case of the Cuban Five. These Cubans succeeded in infiltrating the anti-Cuban terrorist networks in Miami. Their objective was simply to prevent terrorist acts against Cuba, since it is well known that Miami plays host to terrorist groups, operating with impunity, that have caused the death of innocent people in our country and others, planned hundreds of projects and carried out assassinations and sabotages with a view to destroying our economy, spreading disease among the population and attacking the peace, stability and development of Cuba by other means.

5. Following a rigged trial, in the very territory of the State of Florida where those groups are based, despite the lack of evidence proving that they carried out acts or sought information about United States national security issues, they were given unjust prison sentences. Although three of the Five have had their sentences adjusted and the life sentences imposed on Ramón and Antonio have been lifted, the new sentences are still unjust. Gerardo has been sentenced to two life sentences and 15 years in prison, and has remained in maximum-security prison facilities. Cuba blames the Government of the United States for the lack of medical attention provided to him during the serious health situation he experienced when he fell ill upon being arbitrarily sent into solitary confinement again this year.

6. The abuses endured by the five Cuban heroes while in prison are also a flagrant violation of their human rights and of the international covenants, agreements and conventions governing humanitarian law. During their long period of incarceration, these five Cubans have faced great obstacles to the exercise of their rights and have been subjected to cruel punishments, including extended periods in solitary confinement.

7. It is telling that on 27 May 2005, the Working Group on Arbitrary Detention of the former United Nations Commission on Human Rights declared that the detentions of these five Cubans were **ARBITRARY** and urged the Government of the United States immediately to adopt the necessary steps to remedy the situation. This decision was the first time that body had considered a trial held in the United States.

8. The struggle for the freedom of the Five is now a call by the international community. Social, political and professional organizations, Governments, parliaments, cultural and scientific figures, Nobel laureates, jurists, civil society organizations and others have got behind this demand as a gesture of solidarity for this just cause. The Cuban civil society organizations present at this Forum raise our voices to demand justice through the liberation of the five Cuban heroes. We call upon all persons and organizations who love justice and the highest human feelings to join our demand. All those present must raise awareness about the case of the Cuban Five using e-mail or other means to reach the members or their organizations, friends and family members, requesting their solidarity through actions such as sending messages or making telephone calls to the offices of the President of the United States requesting the liberation of the Cuban Five through the use of his legal and constitutional powers of decree.

9. We call for international solidarity, in particular from the people of the United States, support for the Cuban people' s demand for the President of that country, Barack Obama, to correct this injustice. **International solidarity can make their return to the homeland and to their families possible!**

On this Human Rights Day, we honour the heroic attitude of Gerardo, Fernando, Ramón, René and Antonio, symbols of our people' s decision to defend the Homeland and the values of justice, freedom and solidarity which they heroically represent. Likewise, we support the dignified and brave conduct of their families, whom we admire, and we reaffirm that we will continue on with them in this battle for truth until we achieve their freedom, denouncing the injustice and cruelty to which their loved ones have been subjected.

They shall return!

(*Signed*) The representatives of the Cuban Civil Society organizations participating in the Forum